

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DEC 12 2007

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

UNITED STATES OF AMERICA

vs.

**RAFAEL LOPEZ**

**CR-07-163-LRS**

Name

File No.

Street Address

Telephone Number

City and State

**I. AGREEMENT FOR PRE-TRIAL DIVERSION**

It appearing that you are reported to have committed an offense against the United States on or about December 5, 2006, in violation of Title 18, United States Code, Section 1001(a)(1), (2), in that you did Make Materially False Statements, and upon your accepting responsibility for this act, and it further appearing, after an investigation of the offense, and your background, that the interest of the United States and your own interest and the interest of justice will be served by the following procedure, therefore,

On the authority of the Attorney General of the United States, by James A. McDevitt, United States Attorney for the Eastern District of Washington, prosecution in this District for this offense shall be deferred for a period of twelve (12) months from the date of the signing of this agreement, provided you abide by the following conditions and the requirements of the program set out below:

Should you violate the conditions of this supervision, the United States Attorney may revoke or modify any conditions of this pre-trial diversion program or change the period of supervision which shall in no case exceed twelve (12) months. The United States Attorney may release you from supervision at any time. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this supervision and will furnish you with notice specifying the conditions of your program which you have violated.

Pretrial Diversion Agreement - 1

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1 If, upon completion of your period of supervision, a pre-trial diversion  
2 report is received to the effect that you have complied with all the rules,  
3 regulations and conditions above mentioned, no prosecution for the offense set out  
4 on page 1 of this agreement will be instituted in this District, and any indictment  
5 or information will be discharged.

6 Neither this agreement nor any other document filed with the United States  
7 Attorney as a result of your participation in the Pre-Trial Diversion Program will  
8 be used against you, except for impeachment purposes, in connection with any  
9 prosecution for the above described offense.

## 10 **II. CONDITIONS OF PRE-TRIAL DIVERSION**

11 1. You shall not violate any law (federal, state and local). You shall  
12 immediately contact your pre-trial diversion supervisor if arrested and/or  
13 questioned by any law enforcement officer even for a minor traffic offense.

14 2. You shall attend school or work regularly at a lawful occupation or  
15 otherwise comply with the terms of the special program described below. In the  
16 absence of a special program, when out of work or unable to attend school, you  
17 shall notify your program supervisor at once. You shall consult him prior to job or  
18 school changes.

19 3. You shall continue to live in this judicial district. If you intend to  
20 move out of the district, you shall inform your supervisor so that the appropriate  
21 transfer of program responsibility can be made.

22 4. You shall abstain from the use of any controlled substances, and shall  
23 be subject to urinary analysis in a frequency of testing as determined by the U.S.  
24 Probation Office.

25 5. You shall report to your program supervisor as directed and keep him  
26 informed of your whereabouts.

6. You shall report to the United States Attorney's Office as directed and  
keep the United States Attorney informed of your whereabouts.

7. You shall strive to achieve the desired goals of the program.

22 I, **RAFAEL LOPEZ**, assert and certify that I am aware of the fact that the  
23 Sixth Amendment to the Constitution of the United States provides that in all  
24 criminal prosecutions the accused shall enjoy the right to a speedy and public trial.  
25 I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure  
26 provides that the Court may dismiss an indictment, information, or complaint for  
unnecessary delay in presenting a charge to the Grand Jury, filing an information

1 or in bringing a defendant to trial. I hereby request that the United States Attorney  
 2 for the Eastern District of Washington defer any prosecution of me for violation of  
 3 Title 18, United States Code, Section 1001(a)(1), (2) for a period of twelve  
 4 months, and to induce him to defer such prosecution I agree and consent that any  
 5 delay from the date of this Agreement to the date of the initiation of the  
 6 prosecution, as provided for in the terms expressed herein, shall be deemed to be a  
 7 necessary delay at my request and I waive any defense to such prosecution on the  
 8 ground that such delay operated to deny my rights under Rule 48(b) of the Federal  
 9 Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the  
 10 United States to a speedy trial or to bar the prosecution by reason of the running of  
 11 the statute of limitations for a period of twelve months, which is the period of this  
 12 Agreement.

13 I hereby state that the above has been read by me. I understand the  
 14 conditions of my pre-trial diversion and agree that I will comply with them.

15   
 16 RAFAEL LOPEZ

17 12-12-07  
 18 DATE

19   
 20 CARL E. HUEBER  
 21 Defendant's Attorney

22 12-12-07  
 23 DATE

24   
 25 Jared C. Kimball  
 26 Assistant United States Attorney

27 12.11.07  
 28 DATE

29 APPROVED, without passing judgment on the merits or wisdom of this diversion.

30   
 31 Hon. Lonny R. Suko, U.S. District Court Judge

32 12/12/07  
 33 DATE